

VZCZCXRO1065
OO RUEHBZ RUEH DU RUEHMR RUEHRN
DE RUEH KI #0969/01 3001033
ZNY CCCCC ZZH
O 271033Z OCT 09
FM AMEMBASSY KINSHASA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0245
INFO RUEHXR/RWANDA COLLECTIVE IMMEDIATE
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 000969

SIPDIS

E.O. 12958: DECL: 10/27/2019

TAGS: [CG](#) [PGOV](#) [PREL](#)

SUBJECT: WORRIES THAT PRESS FREEDOM MAY BE ERODING CONTINUE

REF: A. (A) KINSHASA 890
[1](#)B. (B) KINSHASA 854

Classified By: AMBASSADOR WILLIAM J. GARVELINK FOR REASONS 1.4(B) AND (D)

[1](#)1. (C) Summary: Freedom of the press is increasingly threatened in the Democratic Republic of Congo (DRC) as the Ministry of Information and Media now requires domestic and international journalists to submit to a military code of justice. A Congolese military officer,s reported death threats against an international journalist attending an international press conference, coupled with recent threats against local journalists in Bukavu, reflects a distributing pattern of intimidation against press elements in the DRC. End summary.

[1](#)2. (C) International journalists based in Kinshasa received a letter from DRC Minister of Information and Media Lambert Mende dated September 28, 2009, informing them that, as of September 28, Congolese law requires their reporting to conform to the military code of justice. According to the letter, this law forbids &slanderous expressions against officers, non-commissioned officers, and soldiers of rank,8 and requires journalists to refrain from &inciting members of the armed forces to commit acts contrary to their duty and military discipline.8 Journalists are not allowed to report from &strategic areas such as military camps, telecommunications installations and embassies without authorization.8 Journalists are also required to submit a copy of all their work to the Ministry of Information and Media.

Reporters to be tried by military courts

[1](#)3. (C) Reuters correspondent Joe Bavier (protect) informed PDO on September 28 that upon receipt of the letter he called Mende to ask for further clarity on the implications of the law. Mende told him that any reporting on troop movements, inadequacy of provisions, or non-payment of salaries would be considered actionable under the new regulations, meaning that a reporter could be tried by a military court. A group of foreign reporters, all of whom had received the letter, met with Mende on October 16. The participants described Mende,s attitude as &aggressive and uncompromising.8 He told them they would follow his rules or go work in another country. A BBC correspondent who plans to visit the eastern DRC told Embassy Kinshasa PD officers October 4 that he is concerned that even conventional reporting in that region might expose him to legal prosecution or expulsion from the country.

[1](#)4. (SBU) European Union ambassadors met with Mende on October 20 to express their concerns about press freedom in the DRC, specifically addressing recent death threats against journalists in Bukavu, the shutdown of Radio France Internationale (RFI) and the accreditation letter sent to international journalists, among other issues. Mende claimed to be committed to a free press, and said that the new budget

now under consideration would boost government support for local media. He said that he was proud of the RFI shutdown, but it was an issue of national security.⁸ The FARDC troops were being demoralized by RFI news reports, Mende claimed, and as the security situation in the Eastern DRC becomes more stable, there will be less need for such actions (Note: Mende informed an RFI delegation visiting Kinshasa on October 22 that the GDRC would maintain the RFI shutdown. End note.) He also said that Congolese journalists lacked training and regular pay, and cited Radio Okapi as an example of journalistic professionalism. In defending his requirement that international journalists submit to the DRC military code of justice, Mende said that location determines the proper legal authority and that since the Eastern DRC is a conflict zone, military law should apply.

15. (C) Swedish First Secretary Andreas Magnusson, who was present at the meeting, told PD officers October 21 that he did not believe Mende was sincere in his statements concerning press freedom, and that Mende was likely seeking to solidify his position in the cabinet by restricting press reporting on the conflict in eastern Congo and curbing any negative press against the Government of the DRC (GDRC) in the run-up to 2010 local and national elections (which Magnusson asserted would likely not occur on schedule).

16. (C) MONUC Public Information Chief Kevin Kennedy informed Embassy Kinshasa of recent threats against an Agence France Press (AFP) correspondent by a FARDC military spokesman during a MONUC press conference, after the AFP correspondent asked about unpaid salaries for FARDC soldiers. (Note: The FARDC spokesman, who had been given press credentials by MONUC to attend weekly MONUC press conferences, frequently

KINSHASA 00000969 002 OF 002

tried to defend the GDRC during conferences; this was the first time, however, he openly threatened a member of the press corps. End note.) Kennedy asserted that the FARDC spokesman's intimidation reflected a very negative trend toward the press among GDRC officials.

17. (C) Comment: Given the lack of effective and transparent legal institutions in the DRC, the prospect of a foreign journalist being tried by a Congolese military court on trumped-up charges is disturbing. Even if no journalist were ever brought up on charges, these requirements would have a chilling effect on the press, ability to report on military operations and the continuing conflict in Eastern DRC. Inadequacy of provisions and lack of pay are serious problems for the FARDC. To restrict reporting on these important issues would deprive the Congolese people and the international community of vital information concerning the situation in conflict zones. The actions of the FARDC colonel threatening a reporter are an example of how -) regardless of whether he was following orders or simply acting on his own -) press intimidation can trickle down from the top levels of the government, with little or no consequences for those who would intimidate. The government itself, in the person of the over-zealous Mende, embarked on a campaign to limit press freedom and squelch bad news from the conflict zones. EU ambassadors, as well as senior MONUC officials (ref b) have confronted Mende to express concern that press freedom is under attack. Embassy has delivered its own statement to Mende (ref a) expressing support for journalists working for MONUC-supported Radio Okapi, and will continue to press the government on what we consider to be infringements on freedoms of the press. PD Kinshasa also plans to commission a study on the legal basis of the new procedures governing international press credentials. We see these developments as disturbing, and will work with others in the international community to challenge threats of prosecution or expulsion of journalists who are simply reporting the facts. End comment.
GARVELINK